

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>TERRENCE J. HANCOCK, WILLIAM LOGAN,</b>	)	
<b>JOHN LISNER, DALE BOLT, BRAD WEBB, JAMES</b>	)	
<b>BUIK, MICHAEL I. RICHARDSON, and EDWARD</b>	)	
<b>DENORMANDIE as Trustees of the LOCAL No. 731,</b>	)	<b>Case No. 10-cv-5962</b>
<b>I.B. of T., GARAGE ATTENDANTS, LINEN AND</b>	)	
<b>LAUNDRY HEALTH AND WELFARE FUND,</b>	)	
	)	<b>Judge Ronald A. Guzman</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Magistrate Judge Valdez</b>
	)	
<b>B. B. D. TRUCKING, CO.,</b>	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF’S MOTION FOR ENTRY OF FINAL JUDGMENT**

Plaintiff, the Local No. 731, I. B. of T., Garage Attendants, Linen and Laundry Health and Welfare Fund (“Fund”) through its current and authorized Trustees Terrence J. Hancock, John Lisner, William Logan, Dale Bolt, Brad Webb, James Buik, Michael I. Richardson, and Edward DeNormandie, and through its attorneys, Dowd, Bloch & Bennett, respectfully submits its proposed judgment against Defendant B. B. D. Trucking, Co. (“BBD” or “Company”) pursuant to the Court’s December 20, 2011 order. In support of its proposed judgment, Plaintiff states:

1. This is an action to collect delinquent contributions, interest, liquidated damages, audit fees, and attorneys’ fees pursuant to a payroll audit conducted for the period of January 1, 2007 through March 31, 2009.
2. On December 20, 2011, the Court granted summary judgment in favor of the Fund and against BBD. Dkt. Entry [Doc. No. 36].

3. The Court found that the Fund is entitled to a judgment for (1) \$31,232.25 in delinquent contributions; (2) liquidated damages in the amount of \$6,246.45; (3) audit costs in the amount of \$4,018.50, (4) interest on the delinquent contributions at the rate of 1% per month; and (5) the reasonable attorneys' fees and costs that the Fund incurred collecting the delinquent contributions. *Id.*

4. The Court instructed the parties to file either an agreed proposed judgment or, if the parties could not agree on a judgment amount, separate proposed judgments, by January 3, 2012. *Id.*

5. On December 28, 2011, the Fund provided BBD with the judgment amounts that the Fund believes BBD owes pursuant to the Court's December 20, 2011 order.

6. On December 30, 2011, BBD informed the Fund that the Company has no specific objections to the judgment amounts provided by the Fund, yet it is unlikely that BBD will agree to the Fund's proposed judgment amounts.

7. The Court's December 20, 2011 order has already determined the amounts of delinquent contributions (\$31,232.25), liquidated damages (\$6,246.45), and audit costs (\$4,018.50) to be included in the judgment against BBD.

8. With the assistance of TValue, a loan amortization software program, the Fund has calculated that 1% interest per month, compounded monthly, from the date each delinquent contribution owed by BBD was originally due through January 3, 2012, amounts to \$18,493.69. Ex. A. The Fund's collection procedures provide interest at a rate of 1% per month, compounded monthly.

9. BBD has not identified any errors in the Fund's interest calculation.

10. Through January 3, 2012, the Fund has reasonably incurred \$20,903.54 in attorneys' fees and costs pursuing the delinquent contributions revealed by the audit of BBD for the period of January 1, 2007 through March 31, 2009. Ex. B, Aff. Barr.

11. BBD has not specifically objected to any of the attorneys' fees incurred by the Fund.

WHEREFORE, Plaintiff, the Local No. 731, I.B. of T., Garage Attendants, Linen and Laundry Health and Welfare Fund, through its current and authorized Trustees, Terrence J. Hancock, William Logan, John Lisner, Dale Bolt, Brad Webb, James Buik, Michael I. Richardson, and Edward DeNormandie, requests that the Court enter a final judgment order of \$80,894.43 against Defendant B. B. D. Trucking Co. for unpaid contributions for January 1, 2007 through March 31, 2009, interest, liquidated damages, audit fees, and attorneys' fees in the following amounts:

	<b><u>Health &amp; Welfare</u></b>
Delinquent Contributions (1/07-3/09)	\$31,232.25
Liquidated Damages (20%)	\$ 6,246.45
Interest (1/07-3/09) (as of 1/3/12)	\$18,493.69
Audit Fees	\$ 4,018.50
Attorneys' Fees (through 1/3/12)	<u>\$20,903.54</u>
<b>Total</b>	<b>\$80,894.43</b>

Respectfully submitted,

/s/ Jeremy M. Barr  
Jeremy M. Barr  
Attorney for the Plaintiff

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